

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
No. 7:09-CR-104-1H
No. 7:11-CV-262-H

FILED IN OPEN COURT
ON 1/11/12 LL
Dennis P. Iavarone, Clerk
US District Court
Eastern District of NC

ASHLEY NICOLE JONES,)
)
Petitioner,)
)
v.)
)
UNITED STATES OF AMERICA,)
)
Respondent.)

ORDER

This matter is before the court on petitioner's motion to vacate pursuant to 28 U.S.C. § 2255, filed December 14, 2011. On January 11, 2012, a hearing was held on petitioner's motion, at which petitioner, petitioner's counsel, and counsel for the government were present. The parties agree that the Fourth Circuit's decision in United States v. Simmons, 649 F.3d 237, 240 (4th Cir. 2011), applies to petitioner's case. The parties have requested that the court vacate its prior judgment in this case and that petitioner be allowed to enter a plea of guilty to Count 2, possession of a stolen firearm.

With the consent of the parties, the court hereby orders as follows:

1. Petitioner's motion to vacate [DE #49] is hereby GRANTED and the judgment entered by the court on December 15, 2010, is hereby VACATED;

2. Count 2 of the Indictment is hereby reinstated; and

3. Petitioner shall be rearraigned on the charge contained in Count 2 of the Indictment.

This 11th day of January 2012.

A handwritten signature in dark ink, appearing to read 'Malcolm J. Howard', is written over a horizontal line.

MALCOLM J. HOWARD

Senior United States District Judge

At Greenville, NC

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